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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,547	01/31/2002	Pieter J. van Zee	100110359-1	2726

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,547

Applicant(s)

VAN ZEE, PIETER J.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2,3,5,6,9-13 and 16 is/are rejected.
7) ☒ Claim(s) 7-8, and 14-15 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 8/8/2005 of application no. 10/061,547 filed on 1/31/2002 in which claims 2-3, and 5-16 are currently pending.

Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 5-6, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fellegara et al. (U.S. Pat. No. 6,441,854).

Regarding claim 5, Fellegara discloses an image capturing device comprising a housing (Fig. 1); an optoelectric transducer disposed in said housing, arranged to accept an optical input via a light transmissive opening through said housing, and to convert said optical input to an electrical signal (Fig. 6, element 94); an image processor disposed within said housing and electrically coupled to said optoelectric transducer

(Fig. 6, elements 70 and 120); a memory coupled to said image processor (Fig. 6, element 126); a user interface further comprising at least one electromechanical activator (plurality of buttons shown in Figs. 3 and 5) adapted to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation (Fig. 3, element 24; col. 11, lines 51-60); and an integral interface connector coupled to said image processor and adapted to be coupled to an external computer without an intervening cable (Fig. 6, element 136).

Regarding claim 6, Fellegara shows the at least one electromechanical activator further comprises an electromechanical activator recessed below an external surface of said housing (Figs. 3-5).

Regarding claim 12, Fellegara discloses a method of capturing and integrating an image in an image capture device comprising the steps of: turning the image capture device on in response to a user's activation of a first electromechanical actuator (Fig. 3, element 24; col. 11, lines 51-60); exposing an optoelectric transducer disposed in a housing of the device to light input via a light transmissive opening through said housing; converting said light into an electrical signal; accepting a user instruction to said first electromechanical actuator to save said electrical signal as a stored image representation (Fig. 3, element 24; col. 11, lines 51-60); and recalling said image representation (Fig. 15, element 202).

Regarding claim 13, Fellegara discloses accepting a user instruction to a second electromechanical activator to review said stored image representation (Fig. 5, elements 48 and 52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (U.S. Pat. No. 6,441,854) in view of Dow et al. (EP 0 978 987).

Regarding claim 2, Fellegara discloses a computing device disposed within said housing, coupled to said image processor, and including a microprocessor (Fig. 6, element 120) and a display (Fig. 5, element 36); wherein said display, when switched from displaying computing device information (Fig. 8-10), displays an image regenerated at least in part by said microprocessor from said electrical signal (Fig. 11, element 202); and furthermore, discloses downloading digital images from the camera to an external computer (Fig. 6, element 136). Fellegara does not disclose the at least one electromechanical activator enables acceptance of a user instruction to couple the stored image to the external computer.

However, Dow discloses a send button to transmit images to another computer via the communications port of the camera (Fig. 1A, element 26; Fig. 2, element 96). One of ordinary skill in the art would have provided the user interface of a camera with a send button to transmit images to another computer when pressed in order to provide

the captured images to other devices (Fig. 3, element 122). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled the at least one electromechanical activator to accept a user instruction to couple a second electrical signal representative of said stored image representation to said integral interface connector to save said electrical signal as a stored image representation in said external computer because it is well known to download images to an external computer using a send button in order to provide the captured images to other devices.

Regarding claim 3, Fellegara discloses the memory includes a computing device stored document (Fig. 7, elements 125 a-c) because the Examiner is interpreting each album image storage section as a document of related images, wherein said display further comprises a tactile input display because the display and electromechanical activator comprise a tactile input display, and wherein said display is adapted to accept a user input to associate said stored image representation with a stored document (col. 16, line 52-col. 17, line 9).

Regarding claim 9, Fellegara discloses saving images to memory (Fig. 6, element 126). Fellegara does not disclose a third electromechanical activator adapted to accept a user instruction to delete said stored image representation. However, Dow discloses a third electromechanical activator adapted to accept a user instruction to delete said stored image representation (Fig. 1A, element 34). One of ordinary skill in the art would have provided third electromechanical activator adapted to accept a user instruction to delete said stored image representation for the purpose of erasing

unnecessary images and increasing the remaining image capacity of the non-volatile memory. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a third electromechanical activator adapted to accept a user instruction to delete said stored image representation for the purpose of erasing unnecessary images and increasing the remaining image capacity of the non-volatile memory.

Regarding claim 16, please see the rejection of claim 9.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Eyemodule User Manual and the Eyecontact Quick Guide.

Regarding claim 10, the Eyemodule User Manual discloses a method of capturing and integrating an image in a combined handheld computing and image capture device (pg. 2, Handspring Visor with Eyemodule) comprising the steps of: determining a function of at least one electromechanical actuator (pg. 2, step 2, the UP button on the Handspring Visor) because the UP button on a Handspring Visor typically functions as an up arrow button to enable a user to navigate vertically through menus and lists of items; launching an application program from a memory in the device, said application program unrelated to image capture (pg. 2, Address Book button, second round button from left); repurposing said at least one electromechanical actuator from said determined function to a shutter actuator function (pg. 2, step 2, the UP button is repurposed as a shutter button); exposing an optoelectric transducer disposed in a housing of the device to light input via a light transmissive opening through said

housing; converting said light into an electrical signal; and upon actuation of said repurposed at least one electromechanical actuator, processing and storing said electrical signal as an image representation in said memory (pg. 2, step 3, UP button saves the buffered frozen image).

The Eyemodule User Manual does not disclose recalling said image representation for use in said launched application program. However, the Eyecontact Quick Guide discloses that the captured Eyemodule images may be attached to address book entries. One of ordinary skill in the art would have recalled said image representation for use in said launched application program in order to provide pictures of people listed in a user's Address Book. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have recalled said image representation for use in said launched application program in order to provide pictures of people listed in a user's Address Book.

Regarding claim 11, the Eyecontact Quick Guide teaches pasting at least a portion of said recalled image into a document of said launched application because the Examiner interprets a document to be an address book entry, wherein the address book entry comprises the contact name, phone number, photo icon pointer, and photo.

Allowable Subject Matter

Claims 7-8, and 14-15 are allowable or would be allowable if rewritten to overcome any and all objections.

Claims 7-8, and 14-15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
8/16/2005



DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER